

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICKY GRIFFIN, SR.,

Defendant.

No. 08-CR-30170-DRH

MEMORANDUM AND ORDER

HERNDON, District Judge:

Pending before the Court is Griffin's pro se motion to modify term of imprisonment pursuant to 18 U.S.C. Section 3582(C)(2) based on U.S.S.G. Amendment 782 (Doc. 619). The government opposes the motion (Doc. 621). Based on the following, the Court denies the motion.

Section 3582(c)(2) of Title 18 allows the Court to reduce a defendant's previously imposed sentence where "a defendant . . . has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o)." In doing so, the Court must consider the factors set forth in 18 U.S.C. § 3553(a) and must ensure that any reduction "is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). Thus, a defendant urging a sentence reduction under § 3582(c)(2) must satisfy two criteria: (1) the Sentencing Commission must have lowered the applicable guideline sentencing range, and (2)

the reduction must be consistent with applicable policy statements issued by the Sentencing Commission.

The Court finds that Griffin *is* not entitled to a reduction of his sentence as Amendment 782 is not applicable to his case. Amendment 782 provides a two level reduction to defendants who were sentenced based on drug quantities; it does not provide a reduction for defendants who were sentenced under a different guideline. The Court sentenced Griffin as a “career offender” under United States Sentencing Guidelines Section 4B1.1. The sentencing Commission did not lower the applicable guideline sentencing range in Griffin’s case.

Accordingly, **DENIES** defendant’s motion to modify term of imprisonment pursuant to 18 U.S.C. Section 3582(C)(2) (Doc. 619).

IT IS SO ORDERED.

David R. Herndon



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Judge David R.
Herndon
Date: 2017.10.05
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United States District Judge